

Permanence

Children are born unable to survive on their own. They need someone to provide life's basic necessities: food, shelter, protection from harm. To get beyond survival and reach normal growth and developmental milestones, children require a "primary attachment figure"—an adult who "is there for them," whom they can count on, who consistently meets their emotional and physical needs. For most children, this role is filled by a biological parent or parents. However, one or more other caring adults, who are willing to commit unconditionally to the child, can also meet the child's need for permanence.

When a child enters the child welfare system, the belief that a parent "will always be there" is shattered.

One of your primary goals as a CASA/GAL volunteer is to advocate for a safe, permanent home as soon as possible, honoring the child's culture and sense of time. While there is never a guarantee of permanence, having such intentions can ensure that you are working toward a plan that supports permanence.

At a very basic level, permanence is most probable when the legal parent is also the emotional parent as well as the parenting figure present in the child's life. There are a limited number of possible "permanent" options:

1. Return to parent
2. Adoption (by a relative or nonrelative)
3. Kinship Guardianship

The third option, placement and custody or guardianship with relatives or fictive kin, while not truly "permanent," is sometimes considered an appropriate choice when the first two options are not practical.

What Is Kinship Guardianship?

Kinship guardianship is a subsidized alternative to adoption for children or youth who have been placed with relatives (or, in some cases, fictive kin) who are certified foster parents and who have been placed with that relative for six months or more. Unlike adoption of a child in foster care, kinship guardianship does not require the surrendering or termination of parental rights.

Like adoption of a child in foster care, kinship guardianship is subsidized, meaning that the guardianship will receive a monthly subsidy to provide for the care of the child. In theory, kinship guardianship is a less permanent option because parents can petition the court to regain custody, provided that there have been substantial changes in their circumstances. Parents may also petition the court for visitation.

What Is Fictive Kin?

A more recent development in the consideration of permanency options for children is the introduction of fictive kin. Fictive kin are individuals who, while they may not be related to a child by blood, adoption or marriage, play an important role in a child's life. In short, they act as family even though they may not be family in the strict legal meaning of the word. Increasingly, courts are allowing for fictive kin to be considered in cases of kinship guardianship or to petition the court for custody or guardianship in the same way a relative might.

Long-Term Foster Care: An Impermanent Option

Despite the advocacy efforts of CASA/GAL volunteers and the hard work by caseworkers, many children remain in foster care. These children live in foster homes or group homes or move from placement to placement during their time in care.

Long-term foster care becomes the plan for older children or children labeled as difficult* for whom there is no identified family. Sometimes these children are actually placed in a family setting but their caregivers do not want to adopt them. When the plan is permanent foster care, what the child protective services system is actually doing is planning for these children to belong to no one. Clearly this is unacceptable. When faced with this as the “only” alternative, it is our obligation to insist that this not be the end of the planning process, but rather the beginning of a new dialogue around how to make permanence a reality, even for the most “difficult” child.

Tribal Considerations

Some Native Americans have a strong bias against adoption and certain tribes do not approve of adoption. This requires special consideration when weighing the permanency options for an Indian child who is an identified member of a tribe. In some cases, placement with a Native American custodian can truly be considered permanent.

Behavioral Challenges

In some cases a child with a mental health or developmental diagnosis will be difficult to place in a permanent setting. All alternatives should be explored to find a suitable situation for all children, despite diagnosis, where they can have their needs met and the opportunity to thrive.

Concurrent Planning

Given the two possible permanent resolutions to a case—return to parent and adoption by a relative or nonrelative—your role is to encourage the court and child welfare professionals to do what is called “concurrent planning,” which means working on two plans at the same time from the very beginning of a case: one to return the child home and another to find an alternative permanent placement. Traditionally, case management in child welfare has consisted of efforts to reunite children with their parent(s), and if those efforts failed, a second plan would be pursued. This created a process that kept many children in foster care for too many years. Concurrent planning was developed as an alternative that moves a case more quickly through the system with better results. The concurrent planning approach is family-centered, with parents involved in decision making from the start. Throughout the case, parents are regularly given direct, culturally sensitive feedback about their progress. From the start of the case, while providing services to the parents, the caseworker explores kinship options, the applicability of the Indian Child Welfare Act and possible foster/adoptive situations for the child.

Placement with Relative or Kin: Living with someone the child already knows and feels safe with can mitigate the child's feelings of loss, which are part of any placement. The use of a relative or kin placement should be evaluated from the beginning of agency involvement. The following questions should serve as guidance in considering both the pitfalls and benefits involved with kin and relative placements:

- Have the relatives/kin been carefully evaluated?
- Is there a written home study?
- What are the parents' thoughts and wishes in reference to this relative?
- What will be the ongoing relationship with the parents?
- Will the parents create problems with the placement or compromise the child's safety?
- Will the relative be able to protect the child from hostile or inappropriate parental behavior?
- Will the relative be able to be positive about the parent to the child?
- Will there be an "unofficial" return to the biological parents?
- Will this relative support the present service plan?
- If the plan changes, will the relative support the change?
- How will visitation be accomplished?
- Are the relatives able to understand and cooperate with agency expectations?
- Have the relatives of both parents been considered, regardless of the removal home?
- Is placement with relatives a way we can protect the child's roots in his/her community?
- Will placement with a particular relative mean that the child must leave the community?
- Will placement with a particular relative mean that the child will lose other important relative or kinship ties?
- Will a relative placement mean that the child will have to endure another move?
- What losses will the child experience if another move is required?
- Have we considered sibling attachments, as well as any "toxic" sibling issues?
- Is this potential caretaker related to all the siblings?

Placement with Relative or Kin (Cont.)

- Is this relative able and willing to take all the siblings?
- Will placement with the siblings be positive for this child?
- Will this placement support the child's ethnic and cultural identity?
- Is this seen as permanent by the potential caretakers?
- Would this relative consider adoption?
- Are there the same issues in the extended family that existed with the parents?
- What pre-placement relationship existed?
- Does the child have any attachment to these relatives?
- Have the child's wishes been considered?

